

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

MAR 11 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte EDWARD O. CLAPPER

RECEIVED

MAR 18 2005

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2800

ON BRIEF

Before COHEN, MCQUADE and BAHR, Administrative Patent Judges.  
BAHR, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 6-10 and 18-20, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellant's invention relates to wireless peripheral devices for use in controlling processor-based systems (specification, page 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

The examiner relied upon the following prior art references in rejecting the appealed claims:

Henty	6,094,156	Jul. 25, 2000 (filed Apr. 24, 1998)
Brusky et al. (Brusky)	6,111,569	Aug. 29, 2000 (filed Feb. 21, 1997)
Bartlett	6,347,290	Feb. 12, 2002 (filed Jun. 24, 1998)

The following rejections are before us for review.

Claims 1, 6-9 and 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brusky in view of Bartlett.

Claims 10 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brusky in view of Bartlett and Henty.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the answer (Paper No. 19) for the examiner's complete reasoning in support of the rejections and to the brief and reply brief (Paper Nos. 17 and 20) for the appellant's arguments thereagainst.

#### OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the

respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Independent claims 1 and 18 read as follows:

1. A wireless peripheral for a receiver comprising:
  - a housing;
  - only one keyboard defined on said housing, said keyboard providing different functionalities depending on the orientation of said housing; and
  - a pair of wireless interfaces that transmit wireless signals directed at sufficiently spaced angles with respect to one another to enable said receiver to distinguish one of said signals from the other of said signals.
18. A wireless peripheral for a receiver comprising:
  - a housing;
  - only one keyboard defined on said housing, said keyboard providing at least two functionalities, each functionality associated with a different orientation of said housing; and
  - a pair of wireless interfaces that transmit wireless signals, each of said interfaces associated with a different one of said two orientations of said housing, said wireless interfaces being oriented relative to one another to enable said receiver to determine which of said orientations said housing was in at the time a signal was transmitted by an interface.

We cannot sustain either of the examiner's rejections. For the reasons more fully explained below, the applied references Brusky, Bartlett and Henty simply would not have suggested a wireless peripheral having a housing and only one keyboard on the housing, the housing providing different functionalities, with each functionality associated with a different orientation of the housing, as required by both independent claims 1 and 18.

Brusky discloses a computer-based universal remote control system, wherein a personal computer 10 is provided as an interface between one or more consumer electronic devices such as a television, stereo, CD player, etc., and a remote control. The computer is connected to the television or other device via an infrared transmitting device 20, a communication link 30 or an RF transmitter 40. The system is software-controlled, using a database stored on the hard disk 60 in the personal computer. According to Brusky, a simple command structure accessing a database of commands is possible, thereby permitting provision of a menu based system so that a selection using either a point and click or pressing of a desired function on a separate wired or wireless remote associated with the computer will accomplish the appropriate transmission of the infrared command from and to the device. The exemplary remote control, which may have a far greater number of buttons or keys than a conventional universal remote, may take the form of a computer keyboard 70 with additional keys, such as a video mode key, rewind, play, fast forward, record, stop, pause, etc., wherein

new types of keys can be added to the keyboard. Alternatively, the remote may allow use of a menuing system, which is called up by a function key on the keyboard, on the computer screen.

As illustrated in Figure 1, Brusky's keyboard 70 appears to have three infrared interfaces located at 45 degree angles from one another, but Brusky is silent with respect to their operation. In light of Brusky's teaching of either providing additional keys on the keyboard 70, or providing an on-screen menuing system, to control the variety of features of multiple electronic devices, it does not appear that Brusky at all contemplated associating each of the three illustrated infrared interfaces on the wireless keyboard 70 with a different functionality of the keyboard or, indeed, of even providing multiple functionalities of the keyboard.

Bartlett discloses a handheld computing device, such as a handheld computer, pager or cellular phone which is controlled not by commands input from a conventional keyboard but by movement or re-orientation of the device, which is detected by a position and motion sensing device. We find in Bartlett no teaching or suggestion to associate different functionalities of a keyboard with different orientations of the keyboard device. From our perspective, the only suggestion Bartlett could have provided with respect to a keyboard type device would have been to replace the conventional keyboard arrangement with a motion and position sensing device so that commands are input by moving or re-orienting the device rather than by pressing keys.

Henty discloses a handheld remote control system having two separate sets of keys 12, 56 provided thereon, the first 12 (such as on a typical television remote) being exposed when the device is in a folded condition (e.g., Figures 1A-1C) and the second 56 (a full function keyboard) being exposed when the device is in an unfolded or open condition (e.g., Figures 2A, 2B). The set of keys 12 activates a first wireless transmitter 30 configured on one end of the housing 10. The set of keys 56 activates a second wireless transmitter 36 configured on one side of the housing. A catch release 38 which releases the top section 1 of the device to be opened also deactivates the first wireless transmitter 30 and activates the second wireless transmitter 36. Henty teaches providing two separate sets of keys (i.e., two distinct keyboards) each associated with a different wireless transmitter and a different configuration of the housing of the device. Henty provides no teaching or suggestion to provide that which is lacking in Brusky, namely, a device provided with only a single keyboard having two functionalities, each functionality associated with a different orientation of the device.

For the foregoing reasons, we must reverse the examiner's rejections of independent claims 1 and 18, as well as claims 6-9, 19 and 20 depending therefrom, as being unpatentable over Brusky in view of Bartlett and claims 10 and 20 as being unpatentable over Brusky in view of Bartlett and Henty.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 6-10 and 18-20 under 35 U.S.C. § 103 is reversed.

REVERSED



IRWIN CHARLES COHEN  
Administrative Patent Judge

)  
)  
)  
)  
)  
)  
)  
)  
BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES



JOHN P. MCQUADE  
Administrative Patent Judge

)  
)  
)  
)  
)  
)



JENNIFER D. BAHR  
Administrative Patent Judge

Timothy N. Trop  
Trop Pruner & Hu PC  
Suite 100  
8554 Katy Freeway  
Houston, TX 77024